



# MEDIA RELEASE

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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## REGULATORY BOARDS DISCIPLINARY ACTION REPORT DECEMBER 2012

### **Alarm Systems Contractors Board**

Respondent:	Nichols Fire & Security, LLC, C-1304, Memphis, TN
Violation:	TCA 62-32-307(d), TCA 62-32-312(a), (c) & (d) TCA 62-32-319(d) & Admin. Rule 0090-01-.05 Failure to register alarm employee within thirty (30) days
Action:	\$650 Civil Penalty
Respondent:	Michael M. Fleenor, QA-140, Knoxville, TN
Violation:	Admin. Rule 0090-01-.06(7) & (9) (k) Failure to submit alarm employee termination notice within thirty (30) days
Action:	\$100 Civil Penalty
Respondent:	Tyson E. Johns, QA-1367, Plano, Texas
Violation:	Admin. Rule 0090-01-.06(7) & (9) (k) Failure to submit alarm employee termination notice within thirty (30) days
Action:	\$250 Civil Penalty
Respondent:	Farrell E. Lee, QA-405, Germantown, TN
Violation:	Admin. Rule 0090-01-.06(7) & (9) (k) Failure to submit alarm employee termination notice within thirty (30) days
Action:	\$200 Civil Penalty

### **Board of Accountancy**

Respondent:	Macon J. Dew, Gallatin, TN
Violation:	Conviction of a Felony, Fiscal Dishonesty, Discreditable Acts
Action:	Revocation

## **Board For Licensing Contractors**

Respondent: Kevin Wagner DBA A Few Men & Tools, Nashville, TN  
Violation: Unlicensed Activity  
Action: \$1,000 Civil Penalty

Respondent: Arctic Air Conditioning LLC, Lawrenceburg, TN  
Violation: Exceeding Limit  
Action: \$500 Civil Penalty

Respondent: Chim Chimney, Hermitage, TN  
Violation: Unlicensed Activity  
Action: \$250 Civil Penalty

Respondent: Bill Garrett, Bolivar, TN  
Violation: Unlicensed Activity  
Action: \$250 Civil Penalty

## **Board of Funeral Directors and Embalmers**

Respondent: Kevin Michael Garrett, Lewisburg, TN  
Violation: Not in compliance with an order of child support  
Action: Suspension of Student Registration

Respondent: Carl R. Points, Columbia, TN  
Violation: Unprofessional or immoral conduct (received a cash payment from a customer to pay for funeral expenses, failed to remit the proceeds to his employer, and led his employer to believe that the family had not made payment for the funeral expenses); unprofessional conduct (received cash payments for preneed funeral contracts and a monument; failed to remit the enrollment forms and cash to the insurance company; used the cash for the personal benefit of him and his wife, and later after inquiry submitted a cashier's check and enrollment forms to his former employer)  
Action: \$3,000 Civil Penalty, \$2,942 in Hearing Costs, and Suspension of Funeral Director License for one (1) year

Respondent: Heather Renea Sharpe, Nashville, TN  
Violation: Not in compliance with an order regarding repayment of a student loan  
Action: Suspension of Funeral Director and Embalmer Licenses

Respondent: Snow Funeral Home, Memphis, TN  
Violation: Preparation room floor was in need of repair or replacement, failed to maintain a copy of the current license and latest regularly scheduled inspection results of the crematory that the funeral homes uses and failed to comply with multiple aspects of the Funeral Rule  
Action: \$500 Civil Penalty

## Burial Services

Respondent:	Bordwine Funeral Home, Inc., Etowah, TN
Violation:	Provided discounts on preneed funeral contracts
Action:	\$250 Civil Penalty
Respondent:	First Tennessee Bank, Knoxville, TN
Violation:	Failed to timely file required annual reports and incorrectly completed a report
Action:	\$250 Civil Penalty
Respondent:	Galilee Memorial Gardens, Memphis, TN, and JM&M Services, Inc., Memphis, TN, and JeMar S. Lambert, Marje E. Lambert and Mary H. Lambert
Violation:	Failed to satisfy the minimum requirements for issuance of a cemetery certificate of registration
Action:	Denial of cemetery registration application
Respondent:	Harpeth Hills Memory Gardens, Funeral Home & Cremation Center, Nashville, TN
Violation:	Provided discount on preneed funeral contract
Action:	\$250 Civil Penalty
Respondent:	Hermitage Funeral Home, Hermitage, TN
Violation:	Employee offered or sold preneed funeral contracts without first registering as a preneed sales agent
Action:	\$1,000 Civil Penalty
Respondent:	James A. Huffman, Memphis, TN
Violation:	Not in compliance with an order of child support
Action:	Suspension of Preneed Sales Agent Registration
Respondent:	Love-Cantrell Funeral Home, Inc., Smithville, TN
Violation:	Used trust funds to purchase insurance products without obtaining prior approval from the Commissioner and failed to properly appoint a trustee for preneed funeral accounts that meets the statutory requirements
Action:	\$250 Civil Penalty
Respondent:	Carl G. Peters, Crossville, TN
Violation:	Not in compliance with an order of child support
Action:	Suspension of Preneed Sales Agent Registration
Respondent:	Snyder's Memorial Gardens, Inc., Gray, TN
Violation:	Failed to refund excess funds to the purchaser, the purchaser's estate or otherwise named beneficiary and failed to timely submit insurance applications to the insurance company
Action:	\$1,250 Civil Penalty

Respondent: Weaver Funeral Home, Knoxville, TN  
Violation: Provided discounts on preneed funeral contracts  
Action: \$250 Civil Penalty

### **Collection Services Board**

Respondent: CMRE Financial Services, Inc.  
Violation: Fair Debt Collection Practices Act and Unlicensed Activity  
Action: \$2,000 Civil Penalty

### **Cosmetology Board**

Respondent: A-Nails, Cordova, TN  
Violation: Unlicensed individuals, no id tags  
Action: \$1,000 Civil Penalty

Respondent: Moriah's Crescent Center Salon, Morristown, TN  
Violation: Expired shop license  
Action: \$250 Civil Penalty

Respondent: 1-N-A Million Hair Salon, Memphis, TN  
Violation: License not posted at work stations  
Action: \$500 Civil Penalty

Respondent: Pro Nail, Memphis, TN  
Violation: Unlicensed individual, no id tags, sterilization and sanitation of the shop  
Action: \$500 Civil Penalty

Respondent: Roosters Men's Grooming Center, Brentwood, TN  
Violation: Unlicensed individual  
Action: \$500 Civil Penalty

Respondent: Salon Allure, Johnson City, TN  
Violation: Unlicensed individual  
Action: \$250 Civil Penalty

Respondent: Vatterott College, Memphis, TN  
Violation: Sanitation violation, Admin. Rule 0440-2.13(6)(a)  
Action: \$250 Civil Penalty

### **Home Inspector Licensing Program**

Respondent: Michael L. Digennaro, Riceville, TN  
Violation: Respondent failed to state in a home inspection report whether a crack in basement wall required repair or subsequent observation, or warrants further investigation by a specialist  
Action: \$500 Civil Penalty

## **Motor Vehicle Commission**

Respondent: KM Auto Sales  
Violation: Temporary Tag Log Violation  
Action: \$500 Civil Penalty

Respondent: Oak Ridge Nissan, Oak Ridge, TN  
Violation: Advertising Violations  
Action: \$60,000 Civil Penalty

Respondent: Metro Truck Sales, Goodlettsville, TN  
Violation: Temporary Tag Log Violation  
Action: \$3,000 Civil Penalty

Respondent: Reliable Imports, Johnson City, TN  
Violation: Failure to Maintain Records  
Action: \$1,000 Civil Penalty

Respondent: Reliable Imports, Johnson City, TN  
Violation: Deceptive Act  
Action: \$500 Civil Penalty

Respondent: ACTS Fleet Maintenance Svc., Knoxville, TN  
Violation: Temporary Tag Log and Temporary Tags  
Action: \$3,500 Civil Penalty

## **Private Investigation and Polygraph Commission**

Respondent: Bryce, A. Tribe, PI-5235, Nashville, TN  
Violation: TCA 62-26-213(3) Failure to notify of arrest within thirty (30) days  
Action: \$2,500 Civil Penalty

## **Private Protective Security Services**

Respondent: Callee's Too Sports Bar & Grill, Clarksville, TN  
Violation: TCA 62-35-123(a) Unlicensed activity  
Action: \$1,000 Civil Penalty

Respondent: J-Hall Security, CSC-12205, Chattanooga, TN  
Violation: TCA 62-35-134(a) Unlawful employments  
Action: \$5,000 Civil Penalty

Respondent: Memphis Security of Tennessee dba MSOFT, CSC- 12107, Memphis, TN  
Violation: TCA 62-35-114 & Admin. Rule 0780-5-2-.06 Failure to maintain insurance coverage  
Action: \$3,000 Civil Penalty

Respondent: David Johnson, AG-607092, Nashville, TN  
Violation: TCA 62-35-130(a) (1) & (10) Violated disciplinary order of the Commissioner  
Action: Revocation

Respondent: Larry Walton, AG-326692, Nashville, TN  
Violation: TCA 62-35-130(a) (1) & (10) Violated disciplinary order of the Commissioner  
Action: \$3,000 Civil Penalty

### **Real Estate Appraiser Commission**

Respondent: Thomas Baine, Jr., Memphis, TN  
Violation: In an appraisal report, the Respondent misreported the subject's gross living area, the sale price of a comparable, and amenities of an additional sale. The Respondent also failed to summarize the support for the site value and for excluding the cost approach in a recently constructed house, failed to summarize the reconciliation of the value indications in the appraisal report and failed to retain a copy of the original appraisal report.  
Action: \$500 Civil Penalty attendance at a fifteen (15) hour Site Valuation and Cost Approach course and a fifteen (15) hour Market Analysis and Highest and Best Use course

### **Real Estate Commission:**

Respondent: Susan A. Brown, Brentwood, TN  
Violation: Misleading and untruthful advertising  
Action: \$250 Civil Penalty and required to attend a TREC meeting within 180 days of execution of the order

Respondent: Eric P. Fuhrman, Memphis, TN  
Violation: Accepting a commission or any valuable consideration from a person other than the broker with whom the licensee was affiliated  
Action: \$1,000 Civil Penalty and required to attend a TREC meeting within 180 days of execution of the order

Respondent: Barry Gordon, Nolensville, TN  
Violation: Unlicensed activity  
Action: Ordered to Cease and Desist and \$500 Civil Penalty

Respondent: Kathy Helton, Nolensville, TN  
Violation: Unlicensed activity  
Action: Ordered to Cease and Desist and \$500 Civil Penalty

Respondent: Frank L. Marsh, Johnson City, TN  
Violation: Failure to supervise activities of affiliates (advertising)  
Action: \$250 Civil Penalty

Respondent: Terence McNutt, Memphis, TN

Violation: Unlicensed activity

Action: Ordered to Cease and Desist and \$500 Civil Penalty

Respondent: Eugene S. Thomas, III, Murfreesboro, TN

Violation: Failure to respond to three complaints and failure to timely complete administrative measures

Action: License suspended until expiration (10-19-13), \$3,000 Civil Penalty and Costs of \$1,130

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